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9 Attorneys for Petitioner

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12  
13 KEVIN JAMES LISLE,

14 Petitioner,

15 v.

16 WILLIAM GITTERE, Warden, Ely State  
Prison, AARON FORD, Nevada Attorney  
17 General,

18 Respondents.  
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Case No. 2:03-cv-01006-MMD-DJA

**STIPULATION AND PROPOSED  
ORDER**

**(DEATH PENALTY CASE)**

1 On July 5, 2019, this Court accepted the parties' stipulation "regarding  
2 various aspects of the process for a mental health examination of Mr. Lisle for the  
3 purposes of determining whether Mr. Lisle is competent to make a waiver of further  
4 proceedings and whether his waiver is knowing, intelligent, and voluntary." ECF  
5 No. 363 at 6.

6 Paragraph 13 of that stipulation provided:

7 Subject to the availability of documents for the expert to  
8 review and the expert's schedule, the parties anticipate  
9 the expert could complete the report by December 31,  
2019, with the Court scheduling a hearing after  
conferring with the parties.

10 *Id.* at 5 ¶13.

11 On November 4, 2019, this Court appointed Dr. Melissa Piasecki to evaluate  
12 Mr. Lisle. ECF No. 382.

13 The parties have been working together on complying with the July 5, 2019  
14 stipulation, which also included details about how the documents would be  
15 prepared, how those documents would be transmitted to the expert, and how the  
16 expert's evaluation would be scheduled. *See* ECF No. 363 at 3–5 ¶¶6–12.

17 On December 20, 2019, the parties had a telephone conference with Dr.  
18 Piasecki and reached consensus about scheduling the evaluation.

19 IT IS HEREBY STIPULATED AND AGREED that:

20 1. The parties anticipate that Dr. Piasecki will evaluate Mr. Lisle on or  
21 around February 9, 2020, or February 10, 2020, depending upon the warden's  
22 ability to ensure proper staffing for the evaluation. The parties anticipate that Dr.  
23 Piasecki could complete the report by the end of February.

2. In all other respects, the parties will continue to comply with the July 5, 2019 stipulation.

DATED this 23rd day of December, 2019.

RENE L. VALLADARES  
Federal Public Defender

AARON FORD  
Nevada Attorney General

/s/ David Anthony  
DAVID ANTHONY  
Assistant Federal Public Defender

/s/ Michael Bonbard  
MICHAEL BONGARD  
Deputy Attorney General

/s/ Stacy M. Newman  
STACY M. NEWMAN  
Assistant Federal Public Defender

1 **ORDER**

2 The parties have submitted a stipulation regarding the scheduling of the  
3 mental health examination of Mr. Lisle for purposes of determining whether Mr.  
4 Lisle is competent to make a waiver of further proceedings and whether his waiver  
5 is knowing, intelligent, and voluntary.

6 Based on the stipulation and for good cause shown, it is hereby ordered that  
7 the Court adopts the parties' proposed stipulation dated December 20, 2019.

8 Dated this 6th day of January, 2020.

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12 MIRANDA M. DU  
13 UNITED STATES DISTRICT JUDGE  
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